

House Joint Resolution 13 - Introduced

HOUSE JOINT RESOLUTION 13
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HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the term of office of
3 supreme court justices and district judges.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Section 17 of Article V of the Constitution of the State of
4 Iowa is repealed beginning January 1, 2015, and the following
5 adopted in lieu thereof:

6 **Terms — judicial elections.** SEC. 17. Members of all courts
7 shall have such tenure in office as may be fixed by law, but
8 regular terms of supreme court judges and regular terms of
9 district court judges shall be not less than six years. Judges
10 shall serve an initial term for one year after appointment and
11 until the first day of January following the next judicial
12 election after the expiration of such year. They shall at such
13 judicial election stand for retention in office on a separate
14 ballot which shall submit the question of whether such judge
15 shall be retained in office for the tenure prescribed for
16 such office and when such tenure is a term of years, on their
17 request, they shall, at the judicial election next before the
18 end of the regular term, stand again for retention on such
19 ballot for one succeeding regular term. At the end of the
20 succeeding regular term such office shall become vacant, and
21 a new judge appointed.

22 Present supreme court and district court judges, at the
23 expiration of their respective terms, may be retained in
24 office, beginning with the judicial election in 2016, in like
25 manner for the new tenure prescribed for such office. Present
26 supreme court and district court judges may stand for retention
27 one time for such office after the judicial election in 2016,
28 and at the end of that regular term such office shall become
29 vacant, and a new judge appointed. However, if a present judge
30 has never been on the ballot for such office as of January 1,
31 2015, the judge may stand for retention two times beginning
32 with the judicial election in 2016. The general assembly shall
33 prescribe the time for holding judicial elections.

34 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
35 amendment to the Constitution of the State of Iowa is referred

1 to the general assembly to be chosen at the next general
2 election for members of the general assembly, and the secretary
3 of state is directed to cause the proposed amendment to be
4 published for three consecutive months previous to the date of
5 that election as provided by law.

6 EXPLANATION

7 This joint resolution relates to the terms of office
8 for supreme court justices and district judges under the
9 Constitution of the State of Iowa.

10 The resolution requires each supreme court justice to be
11 retained in office every six years after serving an initial
12 term of office of up to two years. The constitution currently
13 requires each justice of the supreme court to be retained in
14 office every eight years after serving an initial term of
15 office of up to two years. The resolution does not affect the
16 length of a regular term of office for a district judge.

17 The resolution provides that a supreme court justice or a
18 district judge shall not serve more than one regular term of
19 office and one succeeding regular term of office for the office
20 of appointment beginning with the judicial election in 2016.
21 The resolution also provides that a current supreme court
22 justice or district judge may stand for retention one time for
23 such office after the judicial election in 2016, then such
24 office shall become vacant, and a new judge appointed, unless
25 the judge has never been on the ballot for such office as of
26 January 1, 2015, in such case the judge may stand for retention
27 two times beginning with the judicial election in 2016.

28 The resolution is silent, as is the current Iowa
29 Constitution, regarding the nomination and appointment of
30 judges of the court of appeals.

31 The resolution if adopted, would be referred to the next
32 general assembly (Eighty-fifth) for adoption a second time
33 before the amendment is submitted to the electorate for
34 ratification.

35 The amendment, if adopted and ratified by the electorate,

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1 takes effect January 1, 2015.